


TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

September 7, 2010

TO: Internal File

THRU: Steve Christensen, Lead SC

FROM: Ingrid Campbell, Environmental Scientist 

RE: Midterm Permit Review, Canyon Fuel Company, Dugout Canyon Mine, Permit # C/007/0039 and Project #3592.

SUMMARY:

On July 15, 2010, the Division notified Canyon Fuel Company of the commencement of the midterm review for the Dugout Canyon Mine. The Division notified CFC of the following items to be reviewed:

1. A review of the mine plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee initiated plan changes are appropriately incorporated into the mine plan document.
2. A review to ensure that the mine plan has been updated to reflect changes in the Utah Coal Regulatory Program that have occurred subsequent to permit approval (example: compliance with U.S. Fish and Wildlife Department - Colorado River Endangered Fish Recovery Program).
3. A review of the applicable portions of the permit to ensure that the mine plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
4. An AVS check to insure that Ownership and Control information is current and correct, verify compliance status of unabated enforcement actions, determine status of any outstanding finalized penalties, and verify that there are no demonstrated patterns of violation.

5. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate current-year dollars.
6. A review of the mining and reclamation plan for compliance with operator commitments related to variances or special permit conditions (including but not limited to subsidence control/monitoring plans and reporting requirements, variances to AOC, experimental practices, electronic database water monitoring reporting, raptor surveys, revegetation test plots, etc.).
7. The Division may conduct a technical site visit, in conjunction with the assigned compliance inspector, to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.

This memo encompasses a review of the above items regarding the biology and land use sections of the M&RP.

The midterm review is recommended for approval.

TECHNICAL ANALYSIS:

Review Item #2

The Division and the Fish and Wildlife Service (FWS) created a memorandum titled, "Satisfying the 1996 Biological Opinion on Surface Coal mining and Reclamation Operations for Impacts to Federally Listed Colorado River Fish Species in the Green and Colorado River Basins, Utah". (See 2010 Incoming Document 0003). This memorandum serves as a guideline for DOGM and mining operators to use for the Colorado River Endangered Fish Recovery Program consultation requirements. CFC has not submitted any amendments that have changed the mine water consumption by more than 10%. Therefore, the permittee is not required to reinitiate the consultation with the FWS regarding the Colorado River Endangered Fish Recovery Program.

During this midterm review of the biology and land use sections of the Dugout M&RP it was found that all permit conditions, division orders, notice of violation abatement plans, and permittee initiated plan changes were appropriately incorporated into the mine plan document.

RECOMMENDATIONS:

This midterm review is recommended for approval.